IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

CRP.No. 2347 of 2002

AGAINST THE ORDER DATED 25.8.2001 IN I.A.NO.1787/2000 IN A.S.NO.144/2000 ON THE FILE OF THE DISTRICT JUDGE, THIRUVANANTHAPURAM.

REVN. PETITIONER: PETITIONERS-APPELLANTS-PLAINTIFFS:
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1. RUGMINI PILLAI, AGED 79,
   AMBARATHALAKKAL PULLUVILA PUTHEN VEEDU,
   VILAPPIL, PEYAD, THIRUVANANTHAPURAM (DIED).

2. KRISHNANKUTTY NAIR,
   S/O.CHELLAPPAN PILLAI,RESIDING AT AMBARATHALAKKAL
   PULLUVILA PUTHEN VEEDU, VILAPPIL, PEYAD,
   THIRUVANANTHAPURAM.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR

RESPONDENTS: CR.PETITIONERS-RESPONDENTS/DEFENDANTS:
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1. LAKSHMIKUTTY PILLAI,
   AMBARATHALAKKAL PULLUVILA PUTHEN VEEDU,
   VILAPPIL, PEYAD, THIRUVANANTHAPURAM.

2. BALAKRISHNAN,
   FLAT NO.44, P.T.P. NAGAR, VATTIYOORKAVU,
   THIRUVANANTHAPURAM.

R2 BY ADV. SRI.G.S.REGHUNATH

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J.

C.R.P. NO. 2347 OF 2002

Dated this the 19th December, 2007

O R D E R

The Civil Revision Petition is filed by the appellants in A.S.No.144 of 2000, on the file of the District Court, Thiruvananthapuram, challenging the order dated 25th August, 2001, by which the application for condonation of delay in filing the appeal was dismissed. Consequent on the dismissal of the application for condonation of delay, the appeal must have been dismissed. The remedy of the revision petitioners is to file a Second Appeal against the judgment of the Appellate Court.

Therefore, the Civil Revision Petition is closed leaving open the remedy of the revision petitioners to file a Second Appeal against the judgment in A.S.No.144 of 2000. The Civil Revision Petition was pending from 6.9.2002 to 19.12.2007. The petitioners were bona fide litigating before this Court under the impression that the remedy is a Civil Revision Petition against the order rejecting the application for condonation of delay. Therefore, while computing the period of limitation for filing the Second Appeal, the period from 6.9.2002 to 19.12.2007 shall be excluded.

(K.T.SANKARAN)
Judge

ahz/

K.T.SANKARAN, J.

C.R.P.NO.2347 OF 2002

O R D E R

19th December, 2007